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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,724	12/01/2000	Kiran Gurudutt Bellare	ORCL5672	5312
22430	7590	05/16/2005	EXAMINER	
YOUNG LAW FIRM A PROFESSIONAL CORPORATION 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028			CHOUDHURY, AZIZUL Q	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,724

Applicant(s)

BELLARE ET AL.

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

This office action is in response to the amendment received on January 20, 2005

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-20 and 23-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Hagan et al (US Pat No: US006734886B1), hereafter referred to as Hagan.

1. With regards to claim 1, Hagan teaches a method for a first server to select content to be displayed on a computer accessing a Web site of a second server, comprising the steps of: collecting user identification data from the computer accessing the Web site; sending the collected user identification data to the first server; retrieving

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user information corresponding to the user identification data from a database of user information accessible to the first server; applying the retrieved user information to a rule base including a plurality of rules; selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and causing the Web site to display the selected content to the accessing computer (Hagan discloses a design allowing users to enter their information which is stored within a database remote to the user (column 6, lines 14-30, Hagan). The user information is then used by a website when the user views the website, and the website is customized based on the user information (column 4, lines 28-46, Hagan). Figure 3 illustrates an embodiment of the Hagan design. Item 54 of the design contains a web server. This web server provides the web site and is equivalent to the second server of the claimed design. Hagan's design uses a database to collect the user's information with and that information is used by the web server to provide the personalized website. In order to collect such data, a server means must be present. That server is found item 82, the registration authority. Column 7, line 64 of Hagan's disclosure teaches the "Registration Authority server." This is the server that enables the database of Hagan's design to retrieve the information. As for rules, Hagan's design allows for customizations to be made to the website format (column 14, line 13 – column 15, line 23, Hagan). The claimed rules inherently are present in a design where customizations are made based on a user and are different for each user).

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2. With regards to claim 2, Hagan teaches a method wherein at least one of the plurality of rules is customizable (Hagan teaches a design allowing for customizations to be made to the website format (column 14, line 13 – column 15, line 23, Hagan). The claimed rules inherently are present in a design where customizations are made based on a user and are different for each user).

3. With regards to claim 3, Hagan teaches a method wherein the user identification data is included in at least one file stored on the accessing computer (It is inherent that such data is stored in the client machine where web browsing means are present, for instance within the cache (column 2, line 9, Hagan).

4. With regards to claim 4, Hagan teaches a method wherein the at least one file is configured as a cookie (It is inherent that such data is stored in the client machine where web browsing means are present, for instance within the cache (column 2, line 9, Hagan).

5. With regards to claim 5, Hagan teaches a method wherein the causing step includes a step of sending the selected content to the second server (Hagan discloses a design where a database is referenced by a web site so that the web site is customized with the user data from the database (column 6, lines 14-30, Hagan)).

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6. With regards to claim 6, Hagan teaches a method wherein the second server further carries out a step of integrating the selected content into the Web site displayed to the user (Hagan discloses a design where a database is referenced by a web site so that the web site is customized with the user data from the database (column 6, lines 14-30, Hagan)).

7. With regards to claim 7, Hagan teaches a method wherein the second server further carries out a step of transmitting the selected content to the accessing computer and wherein a browser running on the accessing computer integrates the selected content into a currently displayed page of the Web site (As stated above, Hagan discloses a design where a database is referenced by a web site so that the web site is customized with the user data from the database (column 6, lines 14-30, Hagan)).

8. With regards to claim 8, Hagan teaches a method wherein the transmitting step is carried out via HTTP and TCP/IP (Both HTTP and TCP/IP are used within most designs involving websites. Hagan's design makes use of web any type of web site (column 5, line 33, Hagan)).

9. With regards to claim 9, Hagan teaches a method wherein the causing step includes a step of sending to the second server an address of the selected content (Hagan's design allows the web server to access the database for user details (column

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6, lines 14-30, Hagan). For the database and the web server to share content with one another, addresses for the content must be shared).

10. With regards to claim 10, Hagan teaches a method wherein the second server carries out a step of fetching the selected content at the address sent by the first server and integrating the fetched selected content into a currently displayed page of the Web site (Hagan's design allows the web server to access the database for user details (column 6, lines 14-30, Hagan) so that the user is able to view web sites customized with their user information (column 4, lines 28-46, Hagan). For content to be shared between networked machines, addresses for the content must be shared).

11. With regards to claim 11, Hagan teaches a method wherein the second server sends the address of the selected content to the accessing computer and wherein the accessing computer fetches the selected content at the address sent by the second server and integrates the fetched selected content into a currently displayed page of the Web site (As stated earlier, Hagan's design allows the web server to access the database for user details (column 6, lines 14-30, Hagan) so that the user is able to view web sites customized with their user information (column 4, lines 28-46, Hagan). For content to be shared between networked machines, addresses for the content must be shared).

12. With regards to claim 12, Hagan teaches a method wherein the content includes at least one of an advertisement, a product recommendation and a link to another Web site (Hagan's design allows for means by which to provide the user with links or web pages that are related to what is being viewed (Figures 8 and 9, Hagan)).

13. With regards to claim 13, Hagan teaches a method wherein the selected content includes a combination of the product recommendation and a deep link into said another Web site where the recommended product is featured (Hagan's design allows for means by which to provide the user with links or web pages that are related to what is being viewed (Figures 8 and 9, Hagan)).

14. With regards to claim 14, Hagan teaches a method wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (Hagan's design allows for a number of parameters (column 7, lines 34-36, Hagan)).

15. With regards to claim 15, Hagan teaches a method wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and record of past purchases or inquiries (Hagan's design allows for a number of parameters (column 7, lines 34-36, Hagan)).

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16. With regards to claim 16, Hagan teaches a method further comprising the step of updating the database of user information based upon an activity of a user of the accessing computer (Activity is a broad factor. It encompasses any act by a user. In Hagan's design, when a user clicks on a button in the GUI interface of the design, the site is inherently updated with the relevant information. In addition, since a new user process exists and means for editing information within the database exists, the claimed updating of database information step is present within Hagan's design).

17. With regard to claim 17, Hagan teaches a method wherein the sending step sends a request for the selected content along with the collected user identification data (When the user makes a request (requests a site), the user enters their log-in information and submits the website request. This includes the claimed process of requesting select content along with collected user identification data).

18. With regards to claim 18, Hagan teaches a system comprising: a merchant Web server; an affiliate Web server, the affiliate Web server being coupled to the merchant Web server over a computer network; a database of user information accessible to the merchant Web server; a rule base including a plurality of configurable rules, the rule base being accessible to the merchant Web server; a first process to collect a user identification from a computer accessing a Web site controlled by the affiliate Web server and for sending the collected user identification to the merchant Web server along with a request for content; a second process for retrieving user information from

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the database corresponding to the collected user identification, and a third process for applying user information obtained from the database to the plurality of rules and for returning selected content to the affiliate Web server in response to the request for content, the returned content: being selected based upon a result of applying the user information to the plurality of rules (Hagan discloses a design allowing users to enter their information which is stored within a database remote to the user (column 6, lines 14-30, Hagan). A database is simply a device with storage means. The user information is then used by a website when the user views the website, and the website is customized based on the user information (column 4, lines 28-46, Hagan). Figure 3 illustrates an embodiment of the Hagan design. Item 54 of the design contains a web server. This web server provides the web site and is equivalent to the merchant server of the claimed design. Hagan's design uses a database to collect the user's information with and that information is used by the web server to provide the personalized website. In order to collect such data, a server means must be present. That server is found item 82, the registration authority. Column 7, line 64 of Hagan's disclosure teaches the "Registration Authority server." This is the server that enables the database of Hagan's design to retrieve the information. As for rules, Hagan's design allows for customizations to be made to the website format (column 14, line 13 – column 15, line 23, Hagan). The claimed rules inherently are present in a design where customizations are made based on a user and are different for each user).

19. With regards to claim 19, Hagan teaches a system wherein the user identification data is included in at least one file stored on the accessing computer (It is inherent that such data is stored in the client machine where web browsing means are present, for instance within the cache (column 2, line 9, Hagan)).

20. With regards to claim 20, Hagan teaches a system wherein the at least one file is configured as a cookie and wherein the first process is configured to retrieve the cookie from the accessing computer (It is inherent that such data is stored in the client machine where web browsing means are present, for instance within the cache (column 2, line 9, Hagan)).

21. With regards to claim 23, Hagan teaches a system wherein the affiliate Web server is further configured to transmit the selected content to the accessing computer and wherein a browser running on the accessing computer is configured to integrate the selected content into the Web site displayed to the user (As stated above, Hagan discloses a design where a database is referenced by a web site so that the web site is customized with the user data from the database (column 6, lines 14-30, Hagan)).

22. With regards to claim 24, Hagan teaches a system wherein the affiliate Web server is configured to transmit the selected content via HTTP and TCP/IP (Both HTTP and TCP/IP are used within most designs involving websites. Hagan's design makes use of web any type of web site (column 5, line 33, Hagan)).

23. With regards to claim 25, Hagan teaches a system wherein the selected content includes an address of content to be displayed on a Web site controlled by the affiliate Web server (Hagan's design allows the web server to access the database for user details (column 6, lines 14-30, Hagan). For the database and the web server to share content with one another, addresses for the content must be shared).

24. With regards to claim 26, Hagan teaches a system wherein the affiliate Web server is further configured to fetch the content at the address sent by the third process and integrating the fetched content into a currently displayed page of the Web site (Hagan's design allows the web server to access the database for user details (column 6, lines 14-30, Hagan) so that the user is able to view web sites customized with their user information (column 4, lines 28-46, Hagan). For content to be shared between networked machines, addresses for the content must be shared).

25. With regards to claim 27, Hagan teaches a system wherein the affiliate Web server is further configured to send the address of the content to the accessing computer and wherein the accessing computer is configured to fetch the content at the address sent by the affiliate Web server and to integrate the fetched content into a currently displayed page of the Web site (As stated earlier, Hagan's design allows the web server to access the database for user details (column 6, lines 14-30, Hagan) so that the user is able to view web sites customized with their user information (column 4,

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lines 28-46, Hagan). For content to be shared between networked machines, addresses for the content must be shared).

26. With regards to claim 28, Hagan teaches a system wherein the selected content includes at least one of an advertisement, a product recommendation and a link to another Web site (Hagan's design allows for means by which to provide the user with links or web pages that are related to what is being viewed (Figures 8 and 9, Hagan)).

27. With regards to claim 29, Hagan teaches a system wherein the selected content includes a combination of the product recommendation and a deep link into said another Web site where the recommended product is featured (Hagan's design allows for means by which to provide the user with links or web pages that are related to what is being viewed (Figures 8 and 9, Hagan)).

28. With regards to claim 30, Hagan teaches a system wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (Hagan's design allows for a number of parameters (column 7, lines 34-36, Hagan)).

29. With regards to claim 31, Hagan teaches a system wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and

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record of past purchases or inquiries (Hagan's design allows for a number of parameters (column 7, lines 34-36, Hagan)).

30. With regards to claim 32, Hagan teaches a system further including a fifth process to update the database of user information based upon an activity of a user of the accessing computer (Activity is a broad factor. It encompasses any act by a user. In Hagan's design, when a user clicks on a button in the GUI interface of the design, the site is inherently updated with the relevant information. In addition, since a new user process exists and means for editing information within the database exists, the claimed updating of database information step is present within Hagan's design).

31. With regards to claim 33, Hagan teaches a system wherein the first process also collects, from the accessing computer, a request for the selected content along with the collected user identification data (When the user makes a request (requests a site), the user enters their log-in information and submits the website request. This includes the claimed process of requesting select content along with collected user identification data).

32. With regards to claim 34, Hagan teaches a system further including a rules engine configured to enable each of the plurality of rules to be customized and configured to enable a creation of new rules (Hagan's design allows for customizations to be made to the website format (column 14, line 13 – column 15, line 23, Hagan). The

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customizations are made using the information and if the user desires further changes, such means are also present. Rules must be present in a design where customizations are made based on a user and are different for each user and it is inherent that such rules are present).

33. With regards to claim 35, Hagan teaches a method of delivering personalized content from a first server to a computer accessing a second server, comprising the steps of: receiving a request for the personalized content from the accessing computer, the accessing computer having accessed a Web page that includes embedded code configured to send the request for personalized content to the first server over a computer network along with selected user identification data; retrieving user information corresponding to at least one of the user identification data and the accessed Web page from a database of user information accessible to the first server; applying the retrieved user information to a rule base including a plurality of rules; selecting content to be posted in the accessed Web page based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and sending at least one of the selected content and an address of the selected content to the accessing computer for posting into the accessed Web page (Hagan discloses a design allowing users to enter their information which is stored within a database remote to the user (column 6, lines 14-30, Hagan). The user information is then used by a website when the user views the website, and the website is customized based on the user information (column 4, lines 28-46, Hagan). Figure 3 illustrates an embodiment

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of the Hagan design. Item 54 of the design contains a web server. This web server provides the web site and is equivalent to the second server of the claimed design. Hagan's design uses a database to collect the user's information with and that information is used by the web server to provide the personalized website. In order to collect such data, a server means must be present. That server is found item 82, the registration authority. Column 7, line 64 of Hagan's disclosure teaches the "Registration Authority server." This is the server that enables the database of Hagan's design to retrieve the information. As for rules, Hagan's design allows for customizations to be made to the website format (column 14, line 13 – column 15, line 23, Hagan). The claimed rules inherently are present in a design where customizations are made based on a user and are different for each user).

34. With regards to claim 36, Hagan teaches a method wherein at least one of the plurality of rules is customizable (Hagan teaches a design allowing for customizations to be made to the website format (column 14, line 13 – column 15, line 23, Hagan). The claimed rules inherently are present in a design where customizations are made based on a user and are different for each user).

35. With regards to claim 37, Hagan teaches a method wherein the user identification data is included in at least one file stored on the accessing computer (It is inherent that such data is stored in the client machine where web browsing means are present, for instance within the cache (column 2, line 9, Hagan).

36. With regards to claim 38, Hagan teaches a method wherein the at least one file is configured as a cookie and wherein the receiving step receives user identification data collected from the cookie stored on the accessing computer (It is inherent that such data is stored in the client machine where web browsing means are present, for instance within the cache (column 2, line 9, Hagan)).

37. With regards to claim 39, Hagan teaches a method wherein the receiving step is carried out via HTTP and TCP/IP (Both HTTP and TCP/IP are used within most designs involving websites. Hagan's design makes use of web any type of web site (column 5, line 33, Hagan)).

38. With regards to claim 40, Hagan teaches a method wherein the selected content includes at least one of an advertisement, a product recommendation and a link to another Web site (Hagan's design allows for means by which to provide the user with links or web pages that are related to what is being viewed (Figures 8 and 9, Hagan)).

39. With regards to claim 41, Hagan teaches a method wherein the selected content includes a combination of the product recommendation and a deep link into said another Web site where the recommended product is featured (Hagan's design allows for means by which to provide the user with links or web pages that are related to what is being viewed (Figures 8 and 9, Hagan)).

40. With regards to claim 42, Hagan teaches a method wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (Hagan's design allows for a number of parameters (column 7, lines 34-36, Hagan)).

41. With regards to claim 43, Hagan teaches a method wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and record of past purchases or inquiries (Hagan's design allows for a number of parameters (column 7, lines 34-36, Hagan)).

42. With regards to claim 44, Hagan teaches a method further comprising the step of updating the database of user information based upon an activity of the accessing computer (Activity is a broad factor. It encompasses any act by a user. In Hagan's design, when a user clicks on a button in the GUI interface of the design, the site is inherently updated with the relevant information. In addition, since a new user process exists and means for editing information within the database exists, the claimed updating of database information step is present within Hagan's design).

Response to Remarks

The amendment received on January 20, 2005 has been carefully evaluated but is not deemed fully persuasive. No changes have been made to the claims but remarks have been filed. The following are the examiner's response to those remarks.

The first three principle arguments revolve around the design being claimed within each of the independent claims 1, 18 and 35. The design illustrated by each of these independent claims along with their independent claims remains consistent and point to a single design. The applicant's claimed design features two servers. The claimed design features a first server to collect data from the user and a second server providing the user a personalized webpage using the data collected by the first user. The Hagan design used as the prior art features a website providing design. If the applicant's representatives refer to Figure 3, they will find that the design contains a web server (item 54). This web server provides the web site and is equivalent to the second server of the claimed design. The office action states that Hagan's design uses the database to collect the user's information with and that information is used by the web server to provide the personalized website. In order to collect such data, it is well known that a server must be present. The applicant's representatives find that server within item 82, the registration authority. Column 7, line 64 of Hagan's disclosure teaches the "Registration Authority server." This is the server that enables the database of Hagan's design to retrieve the information. While each of the claimed elements is not literally present within the Hagan prior art, it is essential for one to not only take into account the literal interpretation of the design. The spirit of the design must also be taken into account and only then will a full understanding of the design be attained. It is

based on this comprehensive understanding of the Hagan prior art that the examiner must reject the claimed invention.

The fourth argument involves the use of inherency. The examiner has reevaluated the claims and stands by the rejections made and remains convinced that the use of inherency has been properly made.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

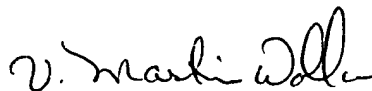
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC


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